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PTO/SB/31 (04-05)

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**NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

16429

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on 2 March 2006

Signature Carrie McKay

Typed or printed name Carrie McKay

In re Application of  
Chad Allen Dow

Application Number  
10/601,511

Filed June 23, 2003

For

Art Unit 3671

Examiner  
Arpad F. Kovacs

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ 500.00

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ \_\_\_\_\_

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☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

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I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

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Registration number if acting under 37 CFR 1.34. \_\_\_\_\_

3-2-06  
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

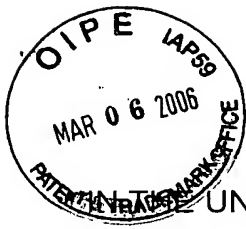
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This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/601,511 Confirmation No. 9741  
Applicant : Chad Allen Dow  
Filed : June 23, 2003

Art Unit : 3671  
Examiner: : Arpad F. Kovacs

Docket (atty ref.) No. : 16429  
Title : Straw Chopper Blade

Moline, IL 61265

2 March 2006

Commissioner for Patents  
P. O. Box 1450  
Alexandria VA 22313-1450

Appendix to the Notice of Appeal

Sir:

Independent claims 1, 5, and 9 recite a blade that is to be "pendulously attach[ed]" to a "straw chopper" (claim 1) or "rotor" (claims 5, 9), the blade also comprising a "paddle" (claims 1, 5, and 9).

In Gaeddert (USPN 3717062), the single cited Section 102 and 103 reference, a "reversible element 32" is attached "for swinging" to hub 30 of rotor 10 with bolts 58 and nuts 52.

The nuts and bolts attach swinging element 32 to structure 34, which includes a "saddle" 52 and "legs" 56 that are welded to hub 30.

Welded legs 56 diverge as they approach hub 30 to which they are welded in order "to provide a sturdy base for [swinging] element 32. See Gaeddert, column 2, line 55 to column 3, line 19.

In his construction of all claims, the Examiner interprets Gaeddert legs 56 which are bent from saddle 52 and welded to the rotor 10 as the claimed "paddle" of the claimed "blade". The Examiner also interprets saddle 52, which is fixed rigidly to the rotor (via legs 56) and pivotally coupled to element 32 as a part of the claimed blade.

These interpretations are incorrect and will form the primary basis of our appeal brief.

Application No. 10/601,511  
Amendment Dated 3/2/2006  
Reply to Office Action of 12/09/2005

In conclusion, it is believed that this application is in condition for allowance, and such allowance is respectfully requested.


Any fees or charges due as a result of filing of the present paper may be charged against Deposit Account 04-0525. Two duplicates of this page are enclosed.

Respectfully,

  
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